

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION

VENUE: SAN FRANCISCO

~~CR 07 0473~~  
UNITED STATES OF AMERICA,

PJH

v.

DONALD CLYBURN,

FILED

JUL 20 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT.

## INDICTMENT

18 U.S.C. § 2252(a)(4)(B) - Possession of Child  
Pornography

A true bill.

Foreman

Filed in open court this 19<sup>th</sup> day of

July, 2007

Clerk

Bail, \$ 50,000

7/19/07.

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 2252(a)(4)(B) -  
Possession of Child Pornography☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**

10 years imprisonment; \$250,000 fine; up to lifetime supervised release; \$100 special assessment

**CR****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

IMMIGRATION AND CUSTOMS ENFORCEMENT

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.

3:07-70167 JCS

Name and Office of Person  
Furnishing Information on  
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

MICHELLE MORGAN-KELLY, AUSA

Name of District Court, and/or Judge/State Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JUL 20 2007

DONALD CLYBURN

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

DISTRICT COURT NUMBER NORTHERN DISTRICT OF CALIFORNIA

**07****0473****PJH****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

**FILED**

JUL 20 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

DONALD CLYBURN,

Defendant.

**CR 07-0473**

**PJH**

VIOLATION: 18 U.S.C. §§ 2252(a)(4)(B) -  
Possession of Child Pornography

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 2252(a)(4)(B))

Between on or about January 6, 2005, and on or about April 7, 2005, in the Northern  
District of California, the defendant,

DONALD CLYBURN,

did knowingly possess one or more matters which contained one or more visual depictions that  
had been shipped and transported in interstate or foreign commerce, by any means including by  
computer, and that were produced using materials that had been so shipped and transported in  
interstate and foreign commerce, where the producing of such visual depictions, as he well knew,  
involved the use of a minor engaging in sexually explicit conduct and such visual depictions  
were of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

INDICTMENT

FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

Upon conviction of the offense alleged in Count One, the defendant,

DONALD CLYBURN,


shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1) and (a)(3), all visual depictions described in Title 18, United States Code Section 2252, and all property, real or personal, used or intended to be used to commit or promote the commission of the offenses of conviction, including but not limited to the following items that were seized from defendant on December 7, 2006:

- a. One Gateway laptop computer containing a 30 gigabyte hard drive, serial number 81RB1679T 242 EC.A.
- b. One compact disk.

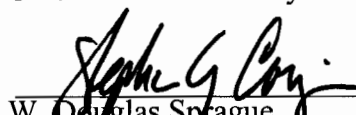
DATED:

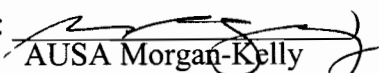
A TRUE BILL.

July 19, 2007

  
FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

  
W. Douglas Sprague  
Chief, Oakland Division

(Approved as to form: 

AUSA Morgan-Kelly

INDICTMENT